

STATE COMMITTEE OF INTERPRETERS

Adams Mark Hotel
9103 East 39th Street
Kansas City Missouri

August 5, 2003 – Open Minutes

The open session of the State Committee of Interpreters was called to order at 9:15am by Loretto Durham, Chair, at the Adams Mark Hotel, 9103 East 39th Street, Kansas City, Missouri.

Members Present:

Loretto Durham
Carrie McCray
Kim McEnulty
John Adams
Sandy Drummond
Lisa Guillory

Staff Present:

Pam Goose, Executive Director
Roxy Brockman, Clerk IV
Sharon Euler, Assistant Attorney General
Jeffrey Dunlap, Contract Interpreter
Elaina Rinacke, Contract Interpreter

Visitors:

Amy Fowler, MCDHH
Kandice Allee, MCDHH

Review and Approval of Open Agenda

A motion was made by Mr. Adams and seconded by Ms. McCray to approve the open agenda. All approved.

Review and Approval of Open Minutes

A draft of the open minutes from the June 20, 2003 meeting was given to the committee members for reference. The minutes will be presented for their review and approval at their next meeting on October 3, 2003

Rules

- 4 CSR 232-1.035 {Staff note: the proposed rule in question that was discussed is 4 CSR 232-3.010 (19)} Ms. Goose reported that she had approached individuals at the division because of the concern the division had expressed in regard to our proposed wording for failure to respond to a complaint. She said she asked them if the last sentence was deleted from the proposed wording would they agree to approve it and move it on. She said they indicated yes and that the proposed rule is moving forward.

Report of MCDHH and/or BCI Meetings *(The following is a comprehensive reporting of the discussion in regard to this item.)*

Ms. Drummond -- I attended. Do you want me to give my report of what I saw? Okay. I got there at 1:00, they were in closed session, they were in closed session until 3:00, so I got to read a lot of magazines and got caught up on my current views and I was really excited about that. And then I got to give a report to the BCI about what we have done and I've got notes I can give you, (Roxy) and I just let them know about our meeting that was coming up for last night and today and also that we would be at the State Interpreters Conference and would be having a meeting on that Friday before, and that we would be participating in the Direct Presentation with the BCI, and that we were planning on doing another Town Hall meeting some time in the spring in Springfield, and that I can report to them about our meeting in June in St Louis. And I talked a little bit about the results of our meeting in June, one of the big things

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that I explained to the BCI was that we had decided that we were now going to deny renewals based on the Code of Ethics, that if someone had violated the piece of the Code of Ethics that said you have to maintain current certification, CEUs and all of that, then that was a way that we could deny renewals. I talked to them about the rules and the legislation that we had pending and talked a little about the discussions that we had about interpreting in Church and family members interpreting for deaf consumers and where we're at with that. And I had questions for the BCI, I asked them about the progress on our questions that we'd asked them about that related to deaf Interpreters. They had reported before that they were developing a test for deaf Interpreters, I asked them about that – I asked them about the definition of "interpreting" if they'd modified that so that it either applied to deaf people and required them to have a certification or not. I also asked about requisite skill levels for deaf Interpreters and requisite skill levels for the RID and NAD certifications that can now go straight to licensure. I knew that they were working on rules but at the time this stuff had not yet been decided and I think that was something that was going to happen either that day or another day. I had to leave at 5 and the meeting was not over yet and so that's all the information I have to report. I do have a copy of the minutes they handed out and I will give that to Roxy. That's all that I had to report.

Ms. Durham – Kandice. Amy. Do you have anything you want to add?

Amy Fowler – I'm just going by what I remember about that meeting. Dr Miller had sent an e-mail what was in the minutes for that meeting and basically one of the main discussions at this meeting was to decide on a provisional restrictive certificate in education, what the BCI was going to do with that, if they were going to try to pass an emergency rule which they went ahead and then voted and they sent an actual proposal to the Commission for the Commission to vote on it. Kandice will talk about the Commission meeting and what happened there because I wasn't there and then primarily the rest of the time was spent discussing that. Apprenticeship was discussed and it was agreed by the BCI not to be considered further by the BCI it was something that they didn't even want to consider for Apprenticeship for someone that wasn't an Interpreter. It was also agreed upon that the BCI would allow me to pursue becoming an RID sponsor for the MCDHH office so that's something that we're in the process of becoming, so I just have to wait to hear back from RID so that we would be able to sponsor different events, not only just our conference but other events for other organizations if they want us to. I have in my notes the definition of "Interpreting" was tabled until the next meeting and also the CDI Task Force is basically tabled – that information I know that they reviewed the minutes from the CDI task force at that meeting and it was discussed that we should move forward with it but there wasn't really anything that they decided at that time to do. That's pretty much all I had as far as information from the BCI meeting.

Ms. Drummond -- I found some more notes I have some questions that I wanted to bring to the Committee, one of the things that was also discussed during that meeting is what to do when someone has let their certification lapse or they're late with their CEUs, some of the issues that came up last night were discussed at that last BCI meeting. Some of the issues that needed to be discussed by the Committee is an inactive status and so that's something that we may need to take a look at, and it might help deal with some of those problems. Another thing, it was pointed out at the BCI meeting that they have over 600 people listed in their database as being certified, and we only have 476 licensed....

Ms. Groose –You only have 400 and some *currently* licensed so – we need to compare them, I'm not saying that, but I want to make sure that you understand that in their database is going to be anyone and everyone who's ever been certified. I can also tell you how many people have ever been licensed – I mean I don't know that right off the top of my head – but the 400 is current.

Ms. Drummond --- Right, right, and I knew that we had gone back and checked both lists, and we do that when renewals come in and things like that. I just thought I'd bring that to your attention. Another thing that was discussed is reinstatement of certification, and I have in my notes here that the BCI was going to recommend to the MCDHH that there be a 2-year cap on reinstatement, and it says that there was going to be an informal recommendation to MCDHH to allow the staff to revise the rule and statutes putting a 2-year cap on reinstatement of certification, but last night made it sound like reinstatement was indefinite.

Amy Fowler -- That was something that was discussed at the last BCI meeting, it was also discussed at the meeting before that, because personally I've told BCI my feelings on it, I don't see a reason why we couldn't put a cap on something so that either they have the option to start all over and pay all that money

all over again, because they'd have to fill out an application, they'd have to take their test again, they'd have to take performance test again – and would they really want to go through all of that or do all of their CEUs and make that up – the BCI two meetings ago basically said no, they didn't want to do that but then again we didn't really have time at that meeting because this emergency rule that we were trying to get through, that wasn't really at the top of their list. They had postponed it to the last meeting and it was discussed at that time and from the minutes that we have from Mary Luebke, who took the minutes at that meeting, it pretty much, I don't know, it's kind of like a mixed...(multi-voices)...I know that the rules have been finalized at the last MCDHH meeting, the ones that are actually being filed at the Secretary of State's office this week, and that wasn't in there at all.

Ms. Drummond -- That was the decision that was made, because there was a huge discussion over how many CEUs would it take and how much money would it take and there were all these charts written on the board, and Beth Williams and Dan had a big discussion over how long should the cap be – should it be 3 years, should it be 2 years, and will we make them take the test again, and that's when reinstatement opportunities are over, and my understanding was the final decision was a 2-year cap and instead of making it a motion, Roy suggested that it be an informal recommendation to MCDHH. Has there been another BCI meeting since July 10th?

Amy Fowler – No, there hasn't been a BCI meeting since that time, and to me I would think that would be a rule change, and it wasn't in the rule changes that was voted on this time to go to the Secretary of State's office.

Ms. Groose – But if it wasn't recommended, I mean, was it passed it on MCDHH?

Amy Fowler -- It was not brought to the Commission so I don't know....but I know that the Commission did not approve anything separate as far as....

Ms. Drummond -- Well my concern is that last night we were telling everyone you have to get CEUs for 15 years, when my understanding was the BCI's decision was you can only do that for 2 years, and after that 2 years you were no longer eligible for reinstatement, you had to take the test again....

Ms. Durham --...Their recommendation, then they're saying that MCDHH has to make the decision....

Ms. Drummond – Right, but it didn't make it to the meeting. So what happens to that information?

Ms. Groose – Well somebody needs to clarify but according to the way that their rules are written, they can have a 2-year cap, like your 2-year license, it's in your statutes and so....

Ms. Drummond -- Right, and that was a recommendation that the MCDHH revise the rules and statutes to create the 2-year reinstatement..... (multiple voices)....

Kandice Allee -- ...and then it was not suggested as a rule change because it didn't get in... schools. Now that doesn't mean that next month you couldn't file stats – we can do that - - we'll check with the office and clarify but I know that it's not in the rules that you guys have a copy of anywhere. It's very vague in our rules, it doesn't clarify that there is a cap or that there isn't...

Ms. Groose – Well, because it is open there isn't a cap.

Ms. Drummond – Well, I was confused because that was one of the major points of discussion in the meeting, that the BCI wanted to set a cap and so I didn't know what had happened after that. Another question that was raised by the BCI was whether or not the rule in our Code of Ethics which says that Interpreters have to maintain CEUs and current certification, whether or not that requirement of maintenance of CEUs applies to the RID and NAD certifications, they are now eligible for licensure directly.

Ms. Groose – I know, that was a question that I wrote down last night, that I thought we needed...

Ms. Drummond -- I didn't know if it was specifically referring to certifications at MICS?

Ms. Goose – I don't know....and you know in their proposed rules, they've added RID...

Ms. Drummond -- and skill level standards...

Ms. Goose – Right and conversion. So when we get to that point then I have some questions about that too.

Dr. Guillory -- Do those certifications require CEUs?

Ms. Drummond – Yes.

Dr. Guillory -- Is it comparable?

Ms. Drummond -- The thing is that the RID certification requires CEUs, in fact their requirements are more stringent than ours. Within 4 years you have to have accrued 80 hours of training or 8 CEUs, so it actually works out to be about 20 each year compared to our 12. With CEUs though you don't have to get them done each year, you have to get them done within 4 years. So if MCDHH or the BCI wants them done every year, they can't enforce that because the certification doesn't go through their office, so is that something that we need to enforce?

Ms. Goose – Well, you can. I mean there are other professions who license or add an extra certification based on a national certification, and the renewals of those other certifications are not at the same time as the license renewal and the CEUs are not the same, but each time they renew they have to show proof/evidence of some kind, that the certification is current. So if your licensing based on a National certification and it requires 80 CE over the period of 4 years, as long as that national certification is fine and they have their little card or whatever they issue that says that they're okay, then you should also...that should be okay with you.

Dr. Guillory -- So it would take a special rule to say anybody who has these two types of certification...

Ms. Durham - So Sandy is your concern that because they've got that larger span to get all of their CEUs that they're going to lose skill during that time?

Ms. Drummond – No, that is not my concern.

Ms. Durham -- They're going to have a current certification as long as at the end of that period they get those CEUs that are required.

Ms. Drummond – Right. That's just something that I need to raise because, I'm personally not concerned about it, I believe if they have current certification with RID with the system that can go directly – I have no problem with it. But that is a big difference between the people who go from RID directly to licensure and people who go through MICS – the MICS people have to get theirs done every year on an annual basis but the people who have RID certification do not. That's just something that we needed to actually take a look at and make a decision about.

Ms. Goose – So what you need to do, this came to me last night, you do need to revise your rules to speak to those individuals who have been issued a license solely based on RID/NAD. Now, if their proposed language goes through and someone chooses to go through the conversion and get the MICS certification, I think that puts them then in that requirement. I think the only ones that we will deal with separately, will have to be those who just come directly and just get the license based on that national certification. So it's going to make it more of a mess but....

Dr. Guillory -- I have a question – for RID certification they renew it every 4 years?

Ms. Drummond -- You have to basically renew your membership every year, but you only have to complete, you have to have all the required CEUs completed by a certain deadline – you have four (4) years to do that, it all depends on when your date of first...

Dr. Guillory -- But we're renewing licenses every year -- okay -- so is it possible for somebody with RID certification to lose their certification for some reason in that 4 year period and yet we would still renew their license?

Ms. Drummond -- The membership renewal period runs from like July 1st to June 30th, so it's possible that they could not pay their membership dues or something and in 90 days later in September or something that they would lose their certification, again, they have a reinstatement process that's very similar to what we already have. What concerns me is this number two (2) says the Interpreter must maintain a current certification with the MO Commission for the Deaf -- so we need to change that rule so that they have to maintain current certification as approved by or as recognized by the BCI....so that includes the RID and the NAD because right now if they lose their certification for any reason, that's not included in this. So I think that once we get that changed so that it applies to both RID and NAD, then I don't see any major differences between what could happen to the RID interpreters that happens also to the MICS interpreters, as far as losing their certification because it expires or not doing the CEUs, similar types of things would happen with RID people.

Ms. Goose -- There is, because of the differences in the time frames, there is always that possibility that those individuals will be able to show evidence that they hold a current national certification, and we can renew them, and then they could lose that certification or not renew that for a period of time before it's time to renew again. But that happens with their system because of time, theirs is much closer to ours and we're watching it much closer even without the statute change we're doing that anyway, it can happen.

Ms. Durham -- So did you want to add that to the next meeting and bring language on this? So add that to the agenda?

Ms. Goose -- Sure.

Ms. Drummond -- I wanted to make sure that was the only rule that specifically referred to the MICS interpreting system.

Ms. McNulty -- I have a question -- so then are you guys going to change the rule for the requisite school level to include RID/NAD -- what did we just say about that?

Amy Fowler -- Yes, it's in the proposed rule.

Ms. McNulty -- So then that new rule that we just put in won't effect that or it has to follow this skill level or maintain the skill level.

Ms. Goose -- No, I mean there's an issue but...

Ms. Drummond -- That makes me think that we probably need to revise the language to the proposed revisions we have as far as the requirements of certification and CEUs for license renewal -- because it may directly focus on MICS certification also and may not include the RID/NAD certifications. The statute change where we want to require that they have....

Ms. Goose --Right. Well you have to get it passed before you even do rules...

Ms. Drummond -- Right, but I mean shouldn't we look at the language to make sure it's not specific to MICS? We should change the language before we submit it again this year so that it applies to RID/NAD as well.

Ms. Durham -- Do you remember what the language is in that piece of statute that we were proposing?

Ms. Drummond -- Because this says the same thing like 'as required by MCDHH in 209...'

Ms. Groose – Right, but you have a separate statute in regard to license of those RID/NAD, so you need to add a separate rule in your renewal, in the statute part of the renewal you need to change too.

Ms. Durham -- Yeah, because I don't know if it's referring only to MICS certification.

Ms. Groose – I don't know, I'll bring it back. I'll look at that. Probably want to leave the existing statute change that has been submitted, leave as is, and propose a new one dealing with RID/NAD that come directly to you.

Ms. Drummond – That is all the questions that I had.

Ms. Durham – Kandice did you want to give a report from.....

Kandice Allee – About the Commission? Yes. The Commission had their meeting on July 25th and obviously as you all know the main item on their plate was this provisional restricted certification in education.....That was what a lot of their time was spent on was reviewing the recommendation by the BCI on the 10th and were able to come to a compromise, and also that to file it as an emergency rule. We, as a Commission, have never filed an emergency rule before so this is our first time in that process, we've had hundreds of calls, probably, people trying to ask us to give them an idea on how long it was going to take – we don't know, we have nothing to base it on. But that will be filed this week with the Secretary of State's office as an emergency rule. The difference between an emergency rule is you have to justify that it has a compelling detrimental interest, if they take the justification it will become effective after 10 days after it's been filed, and then that will remain effective until 180 days or 6 months, giving us time to file that rule in our regular...rules. We don't know at this point and time if it's going to be accepted as an emergency rule or not.

Ms. Groose -- So what did you use as a justification?

Kandice Allee -- Dr Miller has written that. I don't know, I haven't seen it.

Ms. Groose – It will be really interesting to see because it is really hard to get an emergency rule filed.

Kandice Allee -- That's what I've heard. If they don't take it as an emergency rule it's going to be filed in our regular rules that may become effective 6, 8, 10 months from now so it's going to be in regardless of the rule process. And you guys have a copy of it in here, and it does say that the person that's nominated by the school district, has to have a current certification in the Novice or Apprentice level and they must be currently licensed. I basically just wanted to point out that you are requiring them – even though it's provisional – they have to have a current license. You know obviously you can decide if you want to issue a separate license for this provisional certification, you know that's obviously your option, but we are requiring that individuals that are nominated by the school district have a minimum Novice or Apprentice level that's current and that they have a current and valid license. So this is actually the rules that the BCI and the Commission have passed that they are comfortable with.

Ms. Groose – And number 6, it almost reads like it's an automatic revocation, but that's not really true, right? It really has to go through...you can't automatically revoke, you have to go through due process through AHC, right?

Amy Fowler – I have no idea. We've never revoked anybody's certification at all.... (too many voices)

Kandice Allee.... For this to be valid they have to work in the school district that nominated them, so if the Kansas City, Missouri, school district nominated them, and they had this provisional certification to work there, they can not go to the Blue Springs school district and use that certification.

Ms. Euler – So what you're saying really is that the license is valid only for that location, that the certification is valid only for the Kansas City, Missouri, school district, it doesn't transfer if they go to Blue Springs.

Ms. Durham -- And you said they need to have a Novice?

Kandice Allee -- The proposed legislation amendment, this legislative session, says that they do not have to be certified at all – our rule is that they have to have a novice or apprentice certification, and a valid license. That is in 1C. That way we still have certification and licensure control, that to their amendment exempted them from any kind of code of ethics or anything, and the BCI and the Commission could not live with that type of flexibility and so we required that they had to at least be certified and licensed.

Amy Fowler -- We really wanted to make sure that they could pass the test at 50%. They shouldn't be working at the school if they can't even pass the certification test, and we know that many of them are going to continue working with that law until it changes, so we know that something could possibly be done in the future when the law changed, so this is something that we wanted to do as an emergency rule. And it's only once in a lifetime that they're ever going to get this in the school districts right now can keep the interpreters that they already have and they recommend them and they are novice or an apprentice.

Ms. Goose -- Has this been filed?

Amy Fowler -- This week it will be.

Ms. Goose -- It will be?

Ms. Drummond -- I just wanted to point out that we had kind of like an emergency meeting in April on the 23rd, I don't think everybody could be there but it was in response to that killer amendment that was proposed and after a lengthy discussion our recommendation to MCDHH was that we would be more willing to accept interpreters in the school who were certified and licensed than people who had no certification at all. We didn't like that either and each of us as individuals were opposed to the idea of the amendment, but we would be less opposed if someone had at least a one or a two. So it sounds like that's the recommendation that was acted on. And also the interpreter who has the provisional has to keep testing up until they get to a three, or they lose their certification.

Kandice Allee -- Right, once they apply for this, for example, if you have a novice, this is good for one year, they have to move up in that year to an apprentice - if they do not bare (?) out they can not get the 2nd year of the certification. Obviously if they're an apprenticed and move to intermediate it's no longer valid anyway because they're already compliant with the skill level standards of that, so we really felt like if they really are serious about keeping their job and want to improve their skills, then in that year they're going to move up and if they do not, then they will no longer be able to interpret in schools districts.

Ms. McEnulty -- I'm not sure, I thought it was a 3 year renewable?

Kandice Allee -- Not this certification, this is a provisional restricted certification in education...

Ms. McEnulty -- So if they're given this certification then they have 1 year to advance their skills – okay, so then my question is, and it's kind of in response to a memo that we have from...if the school district has more than one interpreter at a novice or apprentice, will you grant them more than one PRCED?

Kandice Allee -- Yes, it's based on an individual, the school district....

Ms. McEnulty -- ...If they request it for thirty-five interpreters...

Kandice Allee -- And they have to prove that they have tried to locate somebody who would be compliant with the the skill level standards. So even if the school district nominates this person, it's still granted to that individual, not the school district. But the requirement is that they have to remain in that school district if they've been nominated in that school district.

Ms. McEnulty -- Right, and they can nominate 6, 7, 20 interpreters – okay

Kandice Allee -- But if they don't move up in that year then they're out, they don't get that 2nd year.

Ms. McEnulty -- Okay, so if it's only once in a lifetime, if they do move up to the next level, then they're granted this again?

Kandice Allee -- They have another year to move up to an intermediate.

Ms. McEnulty -- Okay and then they're granted this PRCD to remain in that school district to continue interpreting?

Kandice Allee -- For one more year, yeah. So then if they don't move up to intermediate they can never have it again, so let's say they're a novice they moved up to the apprentice in the first year, they get the 2nd year – they are unable to move up to an intermediate – then they don't get to apply for it again.

Ms. McEnulty -- Okay, but they maintain the 2nd level 2 in certification, but they can't work at the school district. So basically this is a 2-year..

Amy Fowler -- And a novice can have this for 2 years if they move up in certification. If they don't they only hold it for 1 year, that's it. An apprentice can only hold this for 1 year, there's no way an apprentice can get it extended.....(multiple voices)...either have to get an RCED or an intermediate and that allows them to work in the school anyway.

Mr. Adams – Kandice back to your example, so the person gets hired at the Kansas City school district as a novice, they get the certification, they do not test up to the apprentice – are they allowed, then, to go to the Blue Springs – no? You're saying 'you've had it once before in a different school district?' Okay.

Amy Fowler -- The school has to nominate but it's the interpreter themselves that holds a certificate, so if the school has 5 interpreters that they need to continue working this year and they want to nominate all 5 of them, they can nominate as many as they want, so it's really not once in a lifetime for the school district, it's once in a lifetime for that interpreter. And if they chose to accept it at Blue Springs and they get fired from Blue Springs, then it's no longer valid and that was their only shot to ever get the certificate.

Ms. Goose – So then how will you...you don't issue license numbers so how are you going to know if I'm at Blue Springs for one year and I test up but don't make it and I change my name and I go to Kansas City school district?

Kandice Allee -- Our certifications have numbers on them.

Ms. Goose -- So if I have a new name and I send it in...

Amy Fowler -- Well that won't happen, only because, first of all if they're certified...I mean, we know who is certified. We will check with your office to make sure that they are licensed before we will even issue this. And it will have an application that they're required to fill out in order to get this and then they're going to have their school district sign off on it or something – I don't think we've really gotten that far to the application, but it will be something like that. They'll have a social security number on it of course, like all of our applications, and it's going to have to be probably notarized, just like all our other applications and affidavits do, so if they were to try to apply for this again, we're going to see that they've already received one because of their social security number and that's going to match, and they have to be certified in our system so if they go and do a name change – in our system if you do a name change you have to fill out a name change form, it's like an affidavit and you have to go through the whole process for changing your name...

Ms. Goose – So you are going to check social security number?

Amy Fowler -- Oh yeah, we're really cautious if it looks like even someone is trying to duplicate this to get it....

Ms. Goose – and then my other question is, were the individuals who presented the language that killed the bill last legislative session, were they involved in the drafting and review of this proposed emergency rule – anybody get their input? If they didn't get the input are they going to just kill this?

Kandice Allee -- Not in this specific draft, they have been involved – Dr Miller has had several meetings with a group of administrators – and indirectly they've been involved with the language, what they could and couldn't live with. So those recommendations were taken to the BCI and then they kind of took what they could live with and what they couldn't live with, so indirectly, yes. But we can't guarantee that they're not going to try to come in...

Ms. Goose – Well but that's better than having no contact with them at all and no input, because then they would definitely just kill it.

Amy Fowler -- Right, and their main concern is complying with ADA in having an Interpreter for the schools. That's their main concern. Now of course the Interpreters right now that are novice or apprentice that work for the school district, they're main concern is keeping their job. That wasn't our concern with this as far as having an Interpreter keep their job because they've known for years that they've needed to be at a particular skill level to work. Our main concern is the make sure that the school can have an interpreter working when school starts in August, and the only way that we could come up with even trying to make that happen for some of these school districts is to file an emergency rule that also proposed rule which will happen hopefully.

Ms. Goose – What our problems and concerns with school districts is that they're not even using licensed individuals, so I hope that those school districts were involved.

Ms. Durham -- But ADA doesn't just say 'get a body in there'.

Kandice Allee -- Well it also has to be able to comply with the IEP and ADA for them to be able to follow those requirements, because you look at the school district – I mean, I've talked to dozens of Administrators calling me saying 'what are we going to do? We see these standards that we have to have an intermediate, there's not an intermediate within 150 miles of our school districts, what are we supposed to do?' And unfortunately there are situations like that but we try to equip people, we're the Missouri Commission for the Deaf and Hard of Hearing and they are our focus, and we have to look at a state-wide problem and not just focus on school districts in this county. We try to do as much as we can and a lot of the Administrators look at this, and then they look at this Federal law that they have to follow, and unfortunately there are going to be a lot of Interpreters who are going to be outside their skill level standards probably working this fall. And we're not going to know about them unless somebody files a complaint. The bad thing about this is that we all know if mom and dad are happy, the kid's happy, and the school district's happy, nobody is going to call. But hopefully this is something that will encourage the Interpreters, if they haven't moved up in 6 years, I don't know what a year's going to do but personally, as an Interpreter, that's my feeling – so, but it's what the School districts want and what they are screaming for.

Ms. McNulty – Well, the other part of that is that we keep looking at the 6 years that these Interpreters had to get to a different level, however we still have new interpreters coming out of programs that are looking for work too.

Kandice Allee – Obviously, let's say that we have somebody who's currently in the school district that... (too many background voices)....and even though in some ways it's not going to be exactly what we want, it's going to keep the door open for school districts to provide services to their student that at least we know they are, and if we at least have an idea whether they still are and that they have a current certification, they have a current license.... (too many background voices)

Ms. McNulty -- So does this affect licensing these, because they have to have a level 1 or a level 2, a novice or an apprentice, so it won't effect licensing them on a yearly basis, will it?

Ms. Goose – It won't affect their license, the effect would be that if they want a license issued with this Provisional Restrictive Certification in Education, on the license, because if they're novice that's going to be on their license. But if they also want the license – remember we talked about this at the last meeting – if they also want the educational level on their license, then we can issue another license and they can have two, but the one is only good in the educational setting.

Ms. McEnulty -- Okay, and we can change the date on that because I can kind of foresee when you renew the license by January 31st the school year ends May, so they have....

Ms. Groose – No, we can't change the date of the license

Ms. McEnulty -- Okay then what I foresee happening then, the school year ends in May and they've applied for their license, they have a novice and they apply for their license, and 'yeah I have my certification, I have a novice' but yet they have that PRCED and then they have to re-test and then they don't upgrade, if you will, then that certification is no longer any good....

Kandice Allee -- Right so the license would be good as a novice or an apprentice, but their certification as a PRCED would no longer be valid.

Ms. McEnulty -- Okay but they maintain their certification as a novice or an apprentice - - okay I got it

Ms. Groose – But we would issue a license and our licenses have an expiration date. Now, that level though, if it has an expiration date, then we can enter that into our system and show that it expired, but that license that they have – they're going to have that license for at least half a year – but they should not be able to start at another school district because they're going to verify with them, they're going to verify with us, and we will say that there's an expiration date on that certification. Even though a license may expire, the certification level – and they have to have both, they have to have current certification and license – to practice.

Ms. Durham -- Okay so in those licenses for the PRCEDs aren't automatically renewable? And we can do that?

Kandice Allee -- Because we're requiring them to have a current license as a novice or an apprentice, you don't have to license them for this. We're not necessarily asking you to....

Ms. Groose -- Right, that's up to us. The other thing is their license is based on that novice or apprentice. This other certification level is just a courtesy thing that we would issue to give them.

Ms. McEnulty -- Right but I was thinking if they tested within the year and didn't move up to the next level, but it only takes away the PRCED, it doesn't take away their license. Right. Okay.

Ms. Groose – And so, because of that, you may choose, not to even though we said at the last meeting we would do the RCED and the regular license separate, we can do that. But you could choose not to do the provisional.

Ms. Durham – Because we had talked about the RCED, we hadn't talked about PRCED

Ms. Groose – The other thing is I can check and it may be very possible that because this is just a certification that's issued for a certain amount of time, that on that 2nd license that we would issue, it could have a different expiration date. I don't know. I could check on that.

Ms. McEnulty – If we decide to issue a license for that PRCED.

Amy Fowler -- And if by any chance they do something within here that says that they no longer hold this, we can always contact your office to let you know that this isn't valid any more, just like we do every for the CEU issue. And this is also going to be a piece of paper, it's not going to be a certification card, so they're not going to be able to out there and hold a certification card, try to pass that off like.....It will look similar to the Interim Practicum certificate that we have right now for students.

Kandice Allee -- Just a note, it's the same as the RCED certification and it's only elementary and secondary - they can not work at vocational schools or at any kind ofit's' all in the school that nominated them. The other thing the – copy of the revised rules....Basically in the proposed rule changes, obviously since the law was passed last year and our name is now the Missouri Commission for

the Deaf and Hard of Hearing, all throughout the rule changes we had to go back and change it MCD to MCDHH or where it says Missouri Commission for the Deaf – Missouri Commission for the Deaf and Hard of Hearing. Also, actually, in our statute it's the Missouri Interpreters Certification System instead of Interpreter – and it says Interpreter, singular, all through our rules so we had to go through and add the "s". Some minor things, you know, like that. The big change obviously is the PRCED addition and put the RID/NAD certification and through out the skill level standards, that's the way they can work with a valid license. Those are the basic changes in there, again it was taken to the BCI and the Commission and will be going to the Secretary of State's office sometime this week. The only other big issue at the Commission that was discussed was the Commission is recommending the BCI up the CE requirements, they feel like it's too low, a lot of interpreters can attend our state-wide conference and earn all the CEUs they need for an entire year. And the Commission felt that that was not enough so they have just recommended to the BCI to be put on their agenda for the next meeting, to increase CEUs.

Ms. Goose – Any recommended?

Kandice Allee -- There were some numbers tossed around, they didn't give a specific recommendation, it was recommended about 2.5, or 1.5 or 1.7, just so that it would be that they could not attend every workshop at our conference and that be enough. I believe the next meeting is tentatively scheduled for November.

Amy Fowler – *(speaking too softly and there are too many other voices talking over her.)*

Ms. Drummond -- One of the things that I've been thinking about with the killer Amendment that came up and the changes that the BCI has been making as far as the PRCED and going back through your files and finding all the people who are eligible for the RCED and handing them out – I'm still concerned that people will still have an avenue to argue that there's not enough educational interpreters or that we're not doing enough to make sure that there are, that we're not providing all the opportunities they need to make sure that we have a qualified pool, and I wonder – I've noticed that the MCDHH office was providing like a week-long training for educational interpreters in July, I saw a flyer for it in your office that would be in Rolla?

Amy Fowler -- We didn't provide with any training we were invited by – and we actually ended up co-sponsoring with an organization in Springfield, Missouri, that wanted to provide an educational training seminar....and we were invited to go. We decided to work with them and we actually went for one day and presented all day long, Kim Davis and Kandice and myself went and it was very educational for the interpreters who provided a lot of information – it was 3 days, Wednesday, Thursday and Friday, interpreters that were interested, we mailed out flyers to interpreters so that if they were interested and wanted to go, they could go. There was probably 15 that showed up from Rolla and Springfield and I think there was someone from the Kansas City area, from St Louis and all over. It was a little pricey but some I know were probably wanting to wait and go to the Interpreter's conference and attend the educational workshops there. We're trying to look for different avenues to work different people to help us within budget..... *(speaking too softly and too much other background noise to hear what she is saying)*

Ms. Drummond -- I was thinking that the more evidence we have of a coordinated effort to improve the quality of the interpreters, the more protection and security we'll have as far as a certification system goes and I think that training was an excellent idea, and I wonder too – I don't know if the BCI does any sort of data collection at the State conference as far as who's interpreting in the schools, where are they interpreting, how old are these people, how much training do they have, and if they use that to help them decide what types of training need to be offered, whether they do that same sort of thing with the evaluation system, if you look at all the evaluations that come in, are there patterns of weakness, patterns of gaps that need to be addressed, are these the kinds of workshops that we need to teach – and I noticed in Kansas every year they have that TIES workshop the week-long thing, maybe that's something that either MCDHH could offer, coordinate itself, or could highly encourage other groups to do, and they could charge administration fees, but we would have evidence of tons of training that's available to all these people – if they don't take advantage of it, that's why we have to enforce the rules, if we don't have the training available we have no leg to stand on....

Dr. Guillory -- At an affordable cost, too. If the schools aren't helping with resources for that and the person's making \$11,000 a year, how are they going to afford the additional training?

Ms. Drummond -- And we need to collect that data also. How much money are these people making. Of course, a person with level 3, 4, or 5 certification is not going to move from St Louis to Bolivar, Missouri, for \$9,000 a year and no benefits. It's just not going to happen. And I think if we had a lot of those numbers I think our certification system would be a lot more secure. So I'm wondering if you'd bring that to the BCI's attention maybe and suggest to them a long-term strategic plan for training opportunities for all interpreters but for educational interpreters, and then data collection, you know just where are these educational interpreters, how much money are they making, what kind of benefits are they getting, what's life really like for them? Why is it that people won't move out there and do those jobs?

Amy Fowler --but if you had any specific questions and if you want to share those with me and maybe we could work together on actually putting something together so I can stick those in the registration packets for the interpreters conference because that right there, that is our largest group of interpreters that we can focus on at one time and we've got a box for them right there at the conference for them to put their comments in and their concerns. When an interpreter actually comes in to test we don't know if they're an educational interpreter.....*(speaking too softly and too much background noise to hear what she is saying)*... But I know that Dr. Miller and Kandice and myself we sat around and discussed how we can with the budget that we have right now....and then Carolyn volunteered to help us out with some educational training and we're definitely going to take her up on that.

Ms. Drummond -- Well I know they had a State grant as well as a Federal grant to offer 2-week institutes every summer for a period of 3 years and there's nothing to say that we couldn't approach DESE again -- with that. I know with budget problems right now, but....

Amy Fowler -- We approached DESE with those ideas about that last year - we don't have the budget.....

Ms. Drummond -- Right but long term that's something that could come back in, and then there's also the fee-for-service type of workshop that we can charge registration fees for those sorts of things, but there's nobody really offering them, and nobody really organizing them, and I think that maybe it's not realized that there's a need for it. I don't know why but I think maybe if MCDHH went to the interpreter training programs or agencies or something to say, 'hey this is a real need for us and look at all these people who need it, maybe it would be a good idea for you to put on a workshop or put on a week long training' that might be all the encouragement that they need. Great. Thank you.

-- Town Hall Meeting

Mr. Adams indicated that we had received 38 evaluation forms from the Town Hall meeting the previous evening. He said overall the comments were very positive. One of the comments on the evaluation form was to reduce fees and the committee members discussed a need to further expand their presentation to share with those in attendance about our budget, income and spending. Ms. Fowler asked if e-mail addresses could be gathered when the interpreters renew their licenses so that a list serve system could be setup and Ms. Goose responded that this had already been looked into and that the Division does not have the staff available to work on this issue at this time.

Report from Executive Director

- *Newsletter* -- Ms. Goose indicated that the newsletter is at state printing and she is waiting for them to send a proof to her and she should receive that within the next 1-2 weeks. She said once she signs off on the proof it will not take long to get the newsletter printed and out in the mail.
- *Financial Report* -- Ms. Goose said the report included for their review is the end of June report.
- *Legislative Report* -- Ms. Goose reported that the three statute changes have been submitted and she has not heard anything from the Division yet. Because she has not heard anything from the Division she does not know if all three are being supported and forwarded to the Department or not.

Exemption Language

Church/religious setting -- Ms. Goose indicated that the process for requesting an official Attorney General opinion is very lengthy and that it could take a year, or two or more before an answer is received,

if it is ever received. Ms. Goose said that she put this on the agenda so that it would not be forgotten in the future.

Family member to family member – Ms. Goose said that this item was placed on the agenda because it had not been resolved at the last meeting. After a brief discussion about the possibility of mailing a survey out to the interpreters, it was generally decided that the committee members would bring their ideas to the next meeting of what they would like included on the survey so that one can be put together.

Mentor/Mentee

Ms. McNulty -- Okay, I think the mentor/mentee program or idea has been kind of evolving and now with this requisite skill level in place it kind of throws an iron in the fire, but I received several calls asking me about how it applies to them if they – let's say a level 5, this job requires a level 5 and then a level 3 joins them to go out as a mentee to go out and work as a team in this environment, how does it impact them? Should they not be there because of the skill level? They have the level 5 there over-seeing their work, so it raised a lot of questions as how it applies to them because their requisite skill level and how their license could be disciplined if there should be a complaint and that kind of stuff. I think a lot of the agencies throughout the state are implementing these mentor/mentee programs and so how does it affect them? So should the level 3 be in that level 5 even though they have the level 5 mentor working with them? Should they not be there?

Ms. Drummond -- I personally think they should, I think if you have something that's structured, that's organized, it's agreed upon ahead of time that the mentor should take responsibility for the interpretation. And so if their mentee is interpreting and they don't have the skill level required – that's true with all teams of interpreters anyway, you always take the responsibility for the entire interpretation, even when you're not on the hot-seat. But in that case you have someone there to ensure that the interpretation is accurate so I don't see a problem with it. I think the problem is I don't know whether our rules allow it right now, so it might be that we'll have to make changes. So I'm fully supportive of making those changes so that that's allowed and not a problem.

Dr. Guillory -- So is that something that you want to work on right now or should we.....? Is that to address that?

Mr. Adams – well we have the one rule that you can't practice above your skill level and an interpreter can't give an assignment to somebody who's not qualified, so we've already got those. But I know for my agency in St Louis if somebody wants to be a mentee the agency sets it up with the consumers and says 'we are sending you this person, they will have this person, who is also a licensed interpreter of the appropriate skill level for this assignment, is that okay?' They get the approval from them first, then when they show up and meet the deaf client they tell the deaf client, 'this is a person who is going to be sitting in, possibly interpreting part of the situation, are you comfortable with that, yes or no?' If they say no the mentee leaves the room and leaves the assignment all together. It's all very strict and very planned out and everybody has to agree with it before it can proceed, and I trust the interpreters that are doing it to know and not say, 'all right you go ahead and take over this court case, I need to go make a phone call'. They're going to use their judgment to make sure everyone's protected in the situation and that the interpreter with the lower skill level is not over their head or in a bad situation or doing harmful interpreting. Do we just need to educate and say these are the rules so if you want to do a mentor/mentee relationship make sure you're still following these rules and.....

Ms. Drummond -- I think the rule that says you can't delegate to someone else who's not qualified, I don't consider supervising someone delegating, so I think that's open for interpretation. If the supervising interpreter leaves the room, they have just delegated. But if they are supervising I don't consider that delegating and so I don't think they would be violating that rule, but as far as practicing beyond their skill level, that's where I think we don't have any exemptions for them, so if a level 3 wants to interpret something that requires a level 4 and they're being supervised, I don't see any rules or any pieces of the exemption statute that says that's okay and I really think that we should at least clarify that that is okay, as long as they're supervised and.....

Ms. McNulty -- Right, because you have that delegation rule and then the other one says that you have to be interpreting within your skill level, it doesn't say anything about a mentor/mentee relationship or anything, so I agree with you, Sandy. The other thing that was brought to my attention is – well let me just

go back to what you had just said about if the deaf person says, 'no I don't agree with this' and then the mentee just leaves, well what if it's longer than a 2 hour assignment? That person can't just leave and they put everything on hold – they have to pull in another interpreter, because one interpreter can't do an all-day event or a 3 hour job – technically....

Mr. Adams -- Hopefully if it's an all day even like in a psychiatric ward where they're supposed to be there all day and there are going to be several group sessions, hopefully they're not sending that lower certified interpreter as the team-mate, because that wouldn't be their rule - - because.....

Ms. McEnulty --Well I think that's the question, a lot of the team interpreting would be a mentor/mentee relationship.

Ms. Durham -- That's never the case in our agency, we never send a mentee as a partner for the interpreter, we don't charge for both of them to be there. The mentee, most of the time, is going as a volunteer basis. If we need 2 interpreters then we have 2 interpreters with the 1 mentee watching.....

Ms. McEnulty -- I think with the shortages of the level 4s and level 5s that you may see that happening. If the mentee is not getting paid, are they subject to all these rules?

Ms. Groose -- Pay has nothing to do with it. (several voices in agreement).

Ms. McEnulty --Has nothing to do with it. That was brought up though.

Ms. Durham -- There are some situations when I bring a mentee in, I would never allow them to actually interpret, they would just observe. And that is the relationship then, for them to just observe, and then we talk about what took place afterwards and what were the choices that were made.

Ms. McEnulty -- Sure, sure, some of us may work that way but I believe that some of the mentees are interpreting, they're getting that hands-on experience and they have a mentor that's level 5 or 4 or whatever's needed for that position in there.

Ms. Durham -- So you think the mentees are being sent as their team?

Ms. McEnulty -- I think in some situations, yes, it does.

Ms. Drummond -- Well and it may not always be a bad choice, we many, many times learn from mistakes. But it may not always be a bad choice. But it's still the concern over whether or not they have the right certification. Whether or not somebody's being paid to do it or whether or not they show up and somebody says 'oh I don't want that mentee' those, to me seem like logistical questions and problems. It's like, 'oh, well, we made a mistake, we didn't plan this right – it's going to take us a little longer to get everything worked out' or whatever, but it's not a question of breaking or violating ethics or anything like that. It might just take a little longer to get something set up. It's not efficient – they have to wait a little longer – it would be much more efficient if you sent a qualified team of two people that everybody knows is going to work out, and then sent the mentee – but I think everything is being observed and everything's being taken care of if you have someone supervising the mentee. You just don't know what's going to happen – so how do we go about basically exempting them from following the requisite skill level standards for the period of time that they're being supervised by a mentor? And also the consumer welfare part, I just wanted to point out, that we already considered mentors in the consumer welfare part where there's a requirement to disclose that you're licensed and you have a level certification and what your relationship is to the consumer, and the last one is if the interpreter serving is a mentor for another interpreter you have to explain how confidentiality is maintained. That piece is already in there, there's already the requirement to disclose, so we don't have to add that in if the person's coming in and they have a level 3, they're already required to disclose that information to the consumer, that's already there so they're going to know that ahead of time.

Ms. Groose - So what was the BCI rule on mentorship that was rescinded in March of 2002?

Amy Fowler -- I'm not exactly sure, I don't have the old... (*voice fading, multiple voices/conversations and background noise*)....

Ms. Drummond -- It had to do with how you could earn CEUs?

Amy Fowler -- It was replaced because whatever that mentorship rule was never....and now it's in CEU maintenance, under (E) Instruction... (*voice fading, multiple voices*)

Ms. McCray -- I have my old one.

Ms. Goose -- Is that what it was, just CEs?

Ms. McCray -- It was "the mentee interpreter may participate in assignments outside the prescribed requisite skill level standards with a mentor interpreter complying with the requisite skill level, the mentee shall be an interpreter who has a current license, the mentee shall revert the duties of the assignment to the mentor at his or her request, the purpose of this rule, a mentor shall be an interpreter who has a current license and an intermediate, advanced, or comprehensive certification. The mentor must complete mentorship training as approved by the Board. A mentor shall function as a guide and provide oversight to the mentee in the experience. The mentor must be present and responsible for the communication within the assignment and a mentor is not responsible for the actions and conduct of the mentee outside of the interpreting assignment."

Ms. Drummond -- What's the reference on that? Was that in the certification part of the rules?

Ms. McCray -- It's under mentorship -- the one that they took out.

Amy Fowler -- And I think it may have been because the Board did not have any recognized programs that were established and that had never been done with that particular rule, and they ended up taking it out and not being stringent on that policy or that rule and put it into CEUs, but they did recognize mentorship, it's just that we didn't have -- our Board never recognized the program.

Ms. Drummond -- Right, and really that's not a certification issue. It's really an enforcement issue so really we should have been putting it in the licensure part system anyway, and so maybe that was the thought at the time, to take it out of certification and put it in licensure and we just never got that part done. So can we bring copies of that or get copies of that -- I don't have mine with me? Maybe we could take a look at that at the next meeting?

Dr. Guillory -- Does somebody need to attempt to write some proposed language that would address that issue?

Ms. Drummond -- I think we already have it.

Ms. Goose -- It would need some changes but it's a real good start.

Ms. Drummond -- Can we just have it tweaked and brought back to the next meeting?

Ms. Goose -- Yes, we will look at it.

Ms. McNulty -- And so would we have to address like team-interpreting versus mentor/mentee?

Ms. McCray -- This basically would cover it. The person that has the license that matches the skill level standard, according to this, is responsible for the interaction during that assignment.

Ms. McNulty -- Even if it's an all day job that requires level 5 or 4?

Ms. Euler -- You can spell out in the rule what the mentee is allowed to do and what they aren't.

Ms. McNulty -- Okay.

Ms. Goose – While we're at this point in talking about that rule – the delegation or the ethical rules of conduct – and now that we have legal counsel here – the discussion came up last evening about delegation and my understanding from past statute and rules in other professions, has been that if it is an agency – basically an employment agency – the agency gets the phone call that requests an interpreter for an assignment. That person, whether licensed or unlicensed, is only making an assignment no different than if we're working in the office together and I give Roxy something – saying this is what I need you to do today – that's what's happening. It's not the person taking the phone call that got the request for the assignment, it's not their job – and then because I give the assignment to you – I'm delegating it to you – so that's not delegation. To me delegation is if we're both on the assignment and you leave the room or whatever, then it's definitely a delegation.

Ms. Durham -- So last night when we were saying that if you're a licensed interpreter and you run the agency and you assign those interpreters for those jobs, your license is also in jeopardy if they're more qualified because you sent in a qualified person, we were wrong in saying that because they weren't delegating they were just doing their job.

Ms. Drummond -- But that's been our intent this entire time and that's what we've believed the entire time that that rule's been around.

Ms. Euler -- Do you have anything in your rules that provides that, for example – the poor funeral directors. The funeral director who is running the funeral home is designated as the funeral director in charge. As the funeral director in charge, that funeral director is responsible for the acts of the funeral home, from the chauffeur to the embalmer, to whomever. That person is responsible – their license is on the line for anything a subordinate does. And your statute and rules don't have that same sort of provision.

Ms. Goose – No. That's like the pharmacist in charge. The pharmacist is the same way – you can have 10 pharmacists but there is a pharmacist in charge and they're ultimately responsible for all pharmacists and technicians. But their Interpreting Agencies are like a nursing agency that calls in and says, 'we need a nurse to work at this hospital on this shift'. And that person at that agency calls somebody and says, 'I have an assignment for you at this hospital on this floor at this time.' And so that person is not delegating that, they're simply doing their job, making an assignment.

Ms. Euler – They're the middle person.

Ms. Goose – Right. Now ultimately, though....

Dr. Guillory – ...their license is on the line...

Ms. Goose ...No...

Ms. Euler -- ...Not unless you've got something in your statute that says so.

Ms. Durham -- We just have the delegation. If you delegate an assignment to an interpreter that's not qualified.

Ms. Euler – What section is it in?

Ms. McEnulty -- It's number 16, page 11.

Ms. Goose – But the bottom line on that and what you're trying to get to, I think, is if you have an individual at an agency who consistently assigns incorrect levels to incorrect assignments, then I think you have valid reason to do something with that person, whether they're licensed or unlicensed. You would have to handle it in a different way but if you, as a person who is assigning out, continually assigns wrong levels, then....

Ms. Euler -- But what's the difference, say, I call into your agency -- "Jill" answers the phone and she says 'yes, we've got two people available at 2:00 on Thursday, they'll be there'. Is that any different from if they call you directly and you say, 'yeah we've got two people who are available on Thursday at 2:00.' Does the level of responsibility change because you're the one who picked up the phone instead of "Jill" who normally answers the phone -- whose job is to answer the phone?

Ms. Durham -- I think it does because as a licensed interpreter -- I mean, I always thought that was delegated and I think that's what the committee thought, that if it was a licensed interpreter responsible for that agency, that their license was on the line.

Ms. Euler -- But who makes that assignment? Does "Jill" who answers the phone -- is she the one who's making the assignment?

Ms. Durham -- It varies, she could be.

Ms. McEnulty -- Some of the agencies are run and owned by licensed and certified interpreters, some are not....

Ms. Euler --But you don't want another double-standard....

Ms. Durham -- But some of those that are run by licensed interpreters, they're the CEO but they make no decisions about the schedules, whoever answers the phones does all the scheduling decisions and most of the time they're not a licensed interpreter...

Kandice Allee -- I just wanted to go back to, my husband is a licensed funeral director, back to that example that, let's say, there's a licensed funeral director who's in charge of the funeral home, even if he has subordinates that are also licensed funeral directors, would their license not come under penalty -- the supervising funeral director does -- or are they considered technically equal because they're also licensed?

Ms. Euler -- If you have "Bob" as the funeral director in charge, and you have "Bill" and "Susanna" who are funeral directors, and "Bill" runs off with a bunch of money, does a poor job of embalming the body, it's a fiasco -- it makes all the papers. "Bill's" funeral director's license is on the line as well as "Bob's", the director in charge. "Susanna's" is not because she wasn't involved, but both of those people's licenses is on the line. But the issue we have here is, say you've got "Shady Interpreter Company Agency", and "Mr. Shady" says I'm going to avoid liability, I'm going to hire "Jill" she's going to answer the phone and she's going to make all the decisions to protect my license?

Ms. Durham -- And that's what's happening.

Kandice Allee -- Well I think that's really going to hurt the agencies that are run. I used to run an agency in Kansas City, if my license was on the line, I think you're going to really to find a way to penalize agencies who are letting "Joe Blow" schedule the interpreter for their own agency because they're going to know, and there are shady interpreter agencies around, unfortunately, who are going to.....because they know, 'well that agencies not going to get the work because she's going to be responsible for everybody she sends out, but I don't have to be....

Ms. Euler -- And you don't want that kind of double-standard -- either the licensed interpreter is in charge and is responsible, or they're not.

Ms. McEnulty --- And the person who is unlicensed is in charge is responsible or they're not.

Ms. Durham -- But we can't make them responsible, they don't have a license so we can't discipline, we have no....

Kandice Allee ---... Interpreter who's certified and licensed that runs the agency or issues the phone. If you can't make them responsible you can't make these people non-responsible.

Ms. Durham -- And that's what Pam is saying, that we already did that by the wording.

Kandice Allee -- But there were several people in the audience last night that own agencies that are certified licensed interpreters, that you told them opposite of that last night.

Ms. Durham -- Right. I know, because we thought that that's what this rule meant, but we're being told it doesn't mean that.

Amy Fowler -- Forget that language in that rule, just forget that and set it aside. You stated last night that if an interpreter knows another person's working outside their skill level standard, and they do not file a complaint with the State Committee of Interpreters, they are violating the code of ethics and their license could be penalized. So if Kandice was owning an agency in Kansas City and she, as a certified and licensed interpreter, is sending out Kim McEnulty to an assignment somewhere, from what you're saying, Kandice can have her licensed penalized for the fact that she's sending her on assignments, not really delegating her for the fact that she knows that Kim is going out on assignments that she's not qualified for, and she's saying nothing.

Ms. Goose -- Right -- and that's what I said just a minute ago...

Kim McEnulty -- ... And I know she's giving me those assignments and I'm not saying anything.

Ms. Durham -- So we are covered under that ethical rule of conduct? Good point, thank you Amy.

Ms. Euler -- At some point you may want to clarify this rule to make it say what you intend it to mean.

Ms. Goose -- Well I think, exactly, you need to make certain that delegation is one thing and assigning -- making an assignment -- if you actually mean the interpreter who schedules the assignment is responsible, then that's what you need to say.

Ms. Drummond -- But it sounds to me like we would be creating a very unfair situation if we did that. I like Amy's approach much better if the end result is the same.

Ms. McEnulty -- Where are we then? We don't have to change anything or....?

Ms. Goose -- No. Good article for next news letter.

Ms. Durham -- To explain that, because you are assigning interpreters and those interpreters are unqualified in going into those assignments, that you're aware that interpreters are going into assignments they are not qualified for, and you're not reporting that, then that is an ethical rule of conduct that you are breaking.

Ms. Euler -- And that you can't afford that by having somebody answer the phone and schedule those appointments, who's not licensed.

Ms. McEnulty -- So the person that's answering the phone and not licensed is just making these assignments, they would be responsible then if the complaint comes in that this person's doing that? If I know that's happening so I don't tell anybody, I become responsible that we're sending out interpreters -- and if that person can't be disciplined, they're just doing their job -- so I'm lost.

Ms. Euler -- But I think that you can hold the licensed interpreter who owns the agency responsible because they should know what's going on in their own agency.

Ms. Durham -- And they're supposed to report to us that unqualified interpreters are doing those jobs, that's an ethical rule of conduct that all interpreters are supposed to

Ms. Goose --...But what about those agencies that have absolutely, are you saying there are agencies that have no licensed interpreters in administrative positions? (Answer -- Yes). Then that's almost "civil" against the business.

Ms. McEnulty -- Well that's opening a whole....

Kandice Allee -- They're expecting people to take legal action where if it's just an agency that's owned by a licensed interpreter,(multiple voices at same time)...and that's just the way it goes, and more than likely those are going to be agencies that are not going to be shady, because they're going to know -- but at the same time -- I don't know, I think it's a double-standard, personally.

Ms. Goose -- There's no way -- you can't do anything with an unlicensed person so there's no way around that, no matter what these words say and how you interpret them, you're always going to have that double-standard.

Ms. Euler -- You can get an injunction against them.

Ms. McEnulty -- But people aren't going to report....well then lots of interpreters are in trouble because they're not going to report anything because that's where they make their money. It doesn't...

Ms. Euler -- Lawyers have the same sort of rules and it's the same problem, if you're a new attorney and the senior partner -- who has given you the job and is paying you all these perks and is doing all this -- you're not going to report him -- even though your license is technically at risk as well.

Ms. McEnulty -- No -- it's your livelihood.

Ms. Goose -- But still, an interpreter who is getting the assignment, should not accept the work.

Many Voices in agreement.

Ms. Euler -- And when they move on to their next job, that's when the report will come in.

Next Meetings

The October open session meeting will be held on Friday, October 17, 2003 and will begin at 1:00pm. The closed session will be held on October 22, 2003 from 3:00pm to 5:00pm.

The December meeting will be held on Wednesday, December 3, 2003 in Jefferson City.

The committee adjourned for lunch at 11:40am.

A motion was made by Mr. Adams and seconded by Ms. McCray to go into closed at 1:15pm for #1, #2, #3, and #9. Ms. Drummond, Mr. Adams, Dr. Guillory, Ms. McEnulty and Ms. McCray all approved.

A motion was made by Mr. Adams and seconded by McCray at 1:45pm to adjourn. All approved.

Executive Director signature

Date approved by committee